

Notification required under the Equal Status Act, 2000

Important Notice

Anyone thinking of making a complaint of discrimination under the Equal Status Act, 2000 must within 2 months¹ of the discrimination last occurring, notify the person whom they feel has discriminated against them (the respondent). This notification MUST

- (1) be in writing**
- (2) give details of what they consider happened**
- (3) state that the complainant intends referring a case to the Director of Equality Investigations, if there is no satisfactory response, and**
- (4) ask whatever questions and seek whatever information that the complainant feels necessary to assist them with their case.**

If this Notification is not sent within the specified time limit, the Equal Status Act automatically disqualifies the complainant from taking a case. It is also essential that a copy of the notification is kept, in case there is a dispute later over whether it was sent.

Form ODEI 5 attached has been designed to facilitate the complainant in notifying the respondent and should be used where possible. **Form ODEI 5** provides the opportunity for an individual to outline the incident(s) where they feel that they were discriminated against and to ask the person or organisation who they feel discriminated against them, why they acted in that manner. *Where an incident involving more than one complainant occurs, each complainant must send a separate notification.* In cases of possible sexual harassment or other harassment, the notification may be addressed either to the possible harasser, or the person responsible for the premises where the harassment may have occurred, or to both.

The form also allows a person to ask any questions or seek any further information which they feel is relevant to their case. To avoid any future dispute over whether the notification was sent, the complainant should keep a photocopy of the notification form and also get a Certificate of Posting from the Post Office (no charge involved).

Form ODEI 5 also provides the respondent with an opportunity to give their views about the incident(s). Where the respondent does not respond to the notification or does not fully answer the questions asked, the Equality Officer is entitled to draw inferences from such failure to give information, or the giving of false, misleading or inadequate information.

The service provider or other person who receives **Form ODEI 5** should respond within a month of receiving the form. On receipt of this response, or after a month has elapsed since the form was sent, the complainant should submit their case for investigation to the **Director of Equality Investigations, 3 Clonmel Street, Dublin 2**, if they still feel they have been discriminated against.

Form ODEI5

¹ in exceptional cases, the Director of Equality Investigations may agree to extend this to 4 months

To

{Insert name and address of Respondent in this box}

**Notification required under the Equal Status Act, 2000
regarding an alleged Act of Discrimination**

(1) I,
of

consider that, on (insert date²) you may have:

- (a) discriminated against me contrary to the provisions of the Equal Status Act, 2000**
 - (b) harassed me, sexually harassed me or permitted my harassment in contravention of the Equal Status Act, 2000.**
 - (c) victimised me in contravention of the Equal Status Act, 2000.**
- {Please tick box(es)}

(2) Discriminatory Grounds

I consider that you discriminated against me on the following ground(s):

- gender** (male or female)
- marital status** (single, married, separated, divorced or widowed)
- family status** (pregnant, parent/guardian of child, resident carer for an adult with a disability who needs ongoing care)
- sexual orientation** (heterosexual, homosexual or bisexual orientation)
- religion** (religious belief / background or lack of belief)
- age** (18 years of age and over) {Please tick box(es)}
- disability** (medically defined)
- race** (colour, nationality, ethnic or national origins)
- membership of the Traveller community**

²the incident must have occurred within the past **2 months** (exceptionally **4 months** - see covering note)

(3) Complaint Details

Details of my complaint are as follows *(include precise location, dates, times and a factual description of the treatment received and of the circumstances leading up to that treatment)* :

I consider that this involved me being treated less favourably than others, on the ground(s) mentioned in Section 2, in the following respects:³

³this section need not be completed in harassment or sexual harassment cases

(4) The Information which I now need from you is as follows (please use separate pages for your response, if required):

(a) Please explain why you treated me in the manner described above.

(b) Please state how you normally treat or have treated other people in similar circumstances.

(c) I also require the following information from you (to be used by complainant if additional information is still needed):

(1)

(2)

Please note that it is my intention to refer a complaint to the Director of Equality Investigations if I am not satisfied with the response I receive or if you fail to respond within a month of receipt of this Request for Information.

Please forward your response to the undersigned at the following address:

Signature of Complainant

Date⁴

Contact Address

⁴in deciding whether time limits have been complied with, the relevant date is the date of posting and not the date of signature